

**REMARKS**

Claims 1-6 and 9-19 are pending. By this Amendment, claims 7-8 and 20 are canceled without prejudice or disclaimer and claims 1, 9, and 15 are amended. Applicants respectfully submit no new matter is presented therein.

Applicants respectfully acknowledge and appreciate the courtesies extended to Applicants' representative by the Examiner during the personal interview conducted on July 25, 2003. The points discussed during the interview are incorporated herein.

**Double Patenting**

The Office Action states that if Claims 1-2, 4-5 and 7 are indicated as being found allowable, claims 9-10 and 12-14 will be objected to under 37 C.F.R. 1.75 as being substantial duplicates thereof. Applicants respectfully disagree with the characterization put forth by the Office Action.

In particular, Applicants respectfully note that pending claim 1 recites the structural arrangement wherein each water electrolytic cell, the solid polymer electrolyte membrane, the anode, and the cathode are developed on respective hypothetical planes. Pending claim 9 recites the solid polymer electrolyte membrane, the anode, and the cathode are developed on respective common hypothetical planes. As such, pending claim 9 is narrower than pending claim 1 as the exemplary embodiment shown in Figure 5 is covered by pending claim 1 and not covered by pending claim 9.

Applicants respectfully submit that while the "slight difference in wording" between claims 1 and 9 appear trivial, the particular phrasing is significant in terms of the exemplary embodiments covered by the claims in question.

In short, Applicants respectfully submit that the differences between claims 1 and 9 are such that each recite patentable differences relative to the applied art of record.

§112 Second Paragraph

Claims 7-8 are rejected under 35 U.S.C. §112, second paragraph. Claims 7-8 are canceled herein responsive to the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1-6 and 9-19 Recite Patentable Subject Matter

Claims 1-6 and 9-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,667,647 to Suga et al. (hereinafter "Suga") in view of U.S. Patent No. 4,311,569 to Dempsey et al. (hereinafter "Dempsey"). Applicants respectfully traverse the rejection.

As discussed and agreed upon during the July 25 personal interview, Applicants respectfully note pending claims 1, 9, and 15 each recite, among other features, that the plate shaped cathodes and anodes of the water electrolytic apparatus are arranged on opposite side of and separated from the electrolyte membrane by a current collector. The paragraph bridging pages 4-5 and Figure 2 of the originally-filed application clearly describe and illustrate, respectively, this feature.

As discussed and agreed upon during the July 25 personal interview, Suga and Dempsey, along or in combination, fail to teach or suggest such a feature. In other words, neither Suga nor Dempsey teach or suggest plate shaped cathodes and anodes of a water electrolytic apparatus arranged on opposite side of and separated from an electrolyte membrane by a current collector.

To establish *prima facie* obviousness, each feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. §2143.03 and In re Royka, 490 F.2d 981 (CCPA 1974). As explained above and during the July 25 personal interview, Suga and Dempsey, alone or in combination, do not teach or suggest each feature recited by pending claims 1, 9 and 15 as Suga and Dempsey do not teach or suggest plate shaped cathodes and anodes of a water electrolytic apparatus arranged on opposite side of and separated from an electrolyte membrane by a current collector.. Pending claims 1, 9, and 15 recite such a feature. Accordingly, for the above provided reasons, Applicants respectfully submit that pending claims 1, 9, and 15 are not rendered obvious under 35 U.S.C. § 103 by Suga and Dempsey. Therefore, claims 1, 9 and 15 should be deemed allowable.

Claims 2-6 depend from claim 1. Claims 10-14 depend from claim 9. Claims 16-19 depend from claim 15. Applicants respectfully submit that these fourteen (14) dependent claims should be deemed allowable for the same reasons claims 1, 9, and 15 as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejections

#### Conclusion

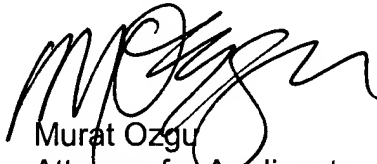
In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 1-6 and 9-19, and the prompt issuance of a Notice of Allowability are respectfully solicited.

U.S. Patent Application Serial Number 09/804,083  
Attorney Docket Number 107348-00096

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107348-00096.**

Respectfully submitted,  
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Enclosure: Petition for Extension of Time

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